

REMARKS

This Response is submitted in reply to the Office Action mailed on September 27, 2006. Claims 1, 4-5, 8-9, and 14-16 are pending in this application. Each of the independent claims 1 and 9, as well as claim 14, have been amended. No new matter has been added by these amendments.

In the Office Action, claim 14 was rejected for improper dependence. Appropriate amendment has been made.

Claims 1, 4, 5, and 8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,739,271, to Hancock, in view of U.S. Patent No. 4,150,630, to Pokorny, et al. As amended, claim 1 is believed to patentably define over the cited combination.

As an initial matter, it is clear that Hancock is relevant to the present application. However, Applicants submit that Pokorny, et al., is non-analogous art. Pokorny is not directed towards an advertising table, or a display table, or any other device that one would reasonable look to for achieving the goals of the present application.

The present application is directed towards display cases. To summarize some of the issues described in the specification, it is desirable to provide a counter-top or other case that allows for quick and easy access to a space below a transparent portion so that items may be placed or altered therein. At the same time, such a case should be relatively tamper proof so that an unauthorized person would not be able to gain access to the space and alter or remove the displayed item.

There is no teaching, suggestion, or motivation that would lead a person skilled in the art to examine the Pokorny, et al., reference. Pokorny, et al., are concerned with a portable stage. Pokorny, et al., teach arranging a plurality of tables having folding legs side-by-side so that the

ends and sides of each table abut at least one other table. Pokorny, et al., teach arranging a plurality of structures or devices that cooperate to join the tables in the side-by-side relationship to form a stage. There is no reason someone seeking to solve the described problem would find motivation or suggestions in Pokorny, et al.'s teaching of a portable stage, a plurality of arranged tables, or structures for joining items together at their sides. Therefore, at the minimum, the combination of Hancock and Pokorny, et al., is improper, and the rejection should be withdrawn on this basis alone. Furthermore, the combination constitutes impermissible hindsight as it is clear that the Examiner has simply looked for elements considered old, regardless of their relationship, and cobbled them together in an attempt to show obviousness.

At the maximum, the Pokorny, et al., patent has utility to prove the existence of a device that is rotated into a recess. As a result, the combination of Hancock with Pokorny, et al., fail to even arrive at the invention of claim 1, as amended.

Hancock teaches having a hinge 16 connecting the display top with the display base. The hinge allows the top to rotate relative to the base for opening and closing. Hancock further teaches first and second locking members 10 and 12 that engage to lock the top and base, or disengage to permit the top to be rotated.

The Pokorny, et al., patent for its part teaches abutting two sides of tables and aligning a rotating member on one of the tables into a recess of the other table. However, if the structure were so simple, the rotating member could simply be pulled out from the second table. Therefore, the recess includes inwardly extending portions, and the rotating member has outwardly flaring portions, so that the inward portions on the recess and the outward portions of the rotating member are in an interference position.

By rejecting claim 1 as being obvious in light of these references, the Office Action is stating one of the following: that the combination of references either teaches every element of the claim and there is some motivation for combining these references; or that the combination of references fails to teach every element, but the claimed invention is an obvious modification of the combination, and there is some motivation for the combination and the modification.

However, as noted above, the Office Action fails to describe a suitable motivation or suggestion for the combination. The Office Action (quoting the Office Action of October 6, 2005) states that Pokorny, et al., “teaches the use of providing a locking structure employing a flange and recess to be old.” This is an improper suggestion as, regardless of the age of the locking structure, there is still no suggestion or motivation for the combination of the references.

The Office Action further states “such structures are conventional alternative structures used in the same intended purpose and Hancock [sic].” As noted, the structure of Hancock is designed to lock a rotating display top around a base. There is simply no basis for the statement that the structure of Pokorny, et al., is used in the same intended purpose as Hancock since the Pokorny, et al., structure is used to hold the ends of tables together to form a stage.

The Office Action last states that Hancock recognizes providing a key or a latch. While this is conceded, it is refuted that the Hancock patent actually teaches any such structure. Hancock only refers to first and second locking members which are substantially, if not absolutely, function limitations, the cooperation of them being only described as engaging.

Amended claim 1 requires a first member and a second member which are “arranged to be selectively engaged together or disengaged by way of lockable operating means.” The first and second members engage together by way of “two opposed retaining means,” (emphasis added) and “each retaining means includes a flange and a mating aperture.” In comparing these

two retaining means to Hancock, it is seen that Hancock has only the lock mechanism (10, 12), and the hinge 16. Whereas the structure of claim 1 would permit the first member to be removed from the base, the structure of Hancock does not. While Hancock discusses in the Background display cases that do permit removal of the top, Hancock is teaching away from permitting this and, in fact, includes the hinge feature in the claims. Accordingly, the teaching of Hancock in this respect is limited to noting the existence of tops that are removable from the base, without any disclosure of structure (if there is any) used with these earlier forms that secures the top with the base.

Furthermore, by use of the hinge, Hancock fails to teach the claim limitations of “two opposed retaining means,” let alone where each includes “a flange and a mating aperture.” The combination of Hancock with the structure of Pokorny, et al., however improper, fails to suggest substituting the claimed flange and mating aperture for the hinge of Hancock.

Amended claim 1 further requires the moveable flange to be disposed on a locking bar. When the operating means is manipulated (as described in the claim), such “causes lateral movement of the locking bar to move the flange laterally to engage or disengage the flange with its respective aperture.” (Emphasis added). While some of these features were previously presented in the claim, the Office Action failed to address them. In fact, the Office Action to which this paper responds is identical in its rejections to the previous Office Action.

As an example of the locking bar and flange, attention should be paid to Fig. 6 (showing apertures 20), and Fig. 9. As stated in the specification, page 7, lines 17-19, “Lock barrel [34] rotates a cam 26 which bears against locking bar 26 to move locking bar laterally with respect to mountings 28.”

Neither Hancock nor Pokorny, et al., disclose any structure or member that moves laterally. Pokorny, et al., only teaches a rotating member received within a recess, while Hancock teaches no structure other than a hinge. The combination of these references fails to teach or suggest or otherwise make obvious a laterally moving locking bar.

It should be noted that there are clear advantages to the locking bar structure as claimed. As can be seen in the Figs., the locking bar need only a small amount of displacement, as may be achieved by less than a full turn of the cam, to move between and to the engaged and disengaged positions. By not rotating, the locking bar is able to engage along a substantial length of the side of the top, as opposed to only a small recess.

For the above reasons, it is respectfully submitted that claim 1, as amended, is patentably novel and non-obvious. Therefore, withdrawal of the present rejection for this claim is respectfully requested, as well as for its dependent claims.

It is noted that the Office Action fails to present any grounds of rejection of claims dependent from claim 1. It is assumed, therefore, that the only basis of their rejection is by virtue of being dependent from claim 1 and, possibly, that the Office Action finds the further structure obvious in light of the combination of Hancock and Pokorny, et al. It is further assumed that the Examiner has failed to find any structure specific to that of claims 4, 5, and 8 beyond the features highlighted in the Office Action.

Claims 9, 14, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,739,271, to Hancock, in view of U.S. Patent No. 4,150,630, to Pokorny, et al, and further in view of U.S. Patent No. 5,603,410, to Kara. As amended, claim 9 is believe to patentably define over the cited combination.

Applicant reiterates the above arguments regarding the combination and use of Pokorny, et al.: this reference should not be combined with Hancock, and should not be combined with Kara. There is simply no suggestion or motivation to do so, and such constitutes impermissible hindsight.

It is further noted that the rejection of these claims fails to address the amendments made in the previous response and is virtually identical to that provided in the previous Office Action.

Kara describes a display case that is seeking to remedy a number of issues, the most pertinent of which is positioning the transparent material against the item to be displayed. In contrast, the present application seeks to do exactly that so as to improve the appearance: "an information bearing sheet supported by the tray is held close to the underside of window 16 for improved viewing and a tidy appearance." Page 9, lines 4-6.

Claim 9, as amended, is for use with an article, the article including an information bearing sheet and a three dimensional object, and the information bearing sheet includes a cut-out portion through which the object may be viewed. Claim 9 further requires a supporting means including a flat portion for supporting the sheet, and a depressed portion for supporting the object with the supporting means being biased by compressible material against and substantially into contact with the transparent portion.

Kara is presented in the Office Action as satisfying the compressible material limitations. Kara includes Velcro-type support means on which items, such as stamps, are presented. These items are viewable through cut-outs in a layer (mat 108) above the items. It can be seen from Fig. 2 that the items are supported by backing 201.

Claim 9 requires a supporting means including a flat portion (for supporting the sheet) and a depressed portion (for supporting the object). Kara has no means that has a flat portion

and a depressed portion. The only thing in Kara that could be argued satisfies these limitations is the mat 108; however, the mat of Kara does not support anything, let alone a sheet and an object.

Claim 9 requires the supporting means to be biased by compressible material against the transparent portion. Kara teaches positioning the items away from the transparent panel 110. In fact, submitted herewith is an annotated copy of Fig. 2 of Kara (Appendix 1) showing physical measurements of what is shown in the drawing. It is clear from the description, and from the Fig. 2, that Kara intends to position the items away from the panel 110. As an example, "A further feature of the present invention is to minimize contact between the memorabilia and the display case in order to reduce the risk of damage to the memorabilia." Kara, col. 1, lines 65-67.

Furthermore, claim 9 requires the supporting means itself to be biased against the transparent portion. In Kara, the supporting means is either the bottom surface 109, or the backing 201. The bottom surface 109 is absolutely shown and described as being a distance away from the panel. While it would be possible to construct Kara in a manner to place the items between the bottom surface 109 (or backing 201) and the panel 110 with the bottom surface 109 (or backing 201) biased against the transparent panel 110, there would be no way for the items, then, not to be pressed against the panel 110 as well. In any event, these features of claim 9 are not disclosed or suggested.

For at least these reasons, Applicants respectfully submit that the combination of these references does not disclose or suggest the elements of amended claim 9, nor the additional limitations of the claims dependent therefrom. Accordingly, withdrawal of the rejection of these claims is respectfully requested.


Applicants respectfully request that claims 1, 4, 5, 8-9, and 14-16 be deemed allowable at this time and that a timely Notice of Allowance be issued in this case.

If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (TJK/443) on the account statement.

Respectfully submitted,

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APPENDIX 1